

AMENDMENTS TO LB 269

Introduced by Government, Military and Veterans Affairs

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 23-148, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-148 The county board of commissioners in all counties
6 having not more than three hundred thousand inhabitants shall
7 consist of three persons, ~~except that the~~ as follows:

8 (1) The registered voters in any county containing
9 not more than three hundred thousand inhabitants may vote at
10 any general election as to whether their county board shall
11 consist of three or five commissioners. ~~The registered voters of~~
12 ~~counties under township organization voting as to a change to~~
13 ~~the commissioner system may vote at the same time as to the~~
14 ~~number of commissioners desired, except that the registered voters~~
15 ~~of counties may vote to have the same number of commissioners~~
16 ~~as there were supervisors in the county pursuant to sections~~
17 ~~23-296 and 23-297 and to retain the existing county supervisor~~
18 ~~district boundaries until it becomes necessary to draw district~~
19 ~~boundaries under section 32-553.~~ Upon the completion of the canvass
20 by the county canvassing board, the proposition shall be decided
21 and, if the number of commissioners is increased from three to
22 five commissioners, vacancies shall be deemed to exist and the
23 procedures set forth in section 32-567 shall be instituted; and -

1 (2) The registered voters of any county under township
2 organization voting to discontinue township organization may also
3 vote as to the number of county commissioners as provided in
4 sections 23-292 to 23-299.

5 Sec. 2. Section 23-149, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 23-149 ~~Whenever in~~ (1) In counties not under township
8 organization, a registered voter may file a petition or petitions
9 for the submission of the question regarding the number of
10 commissioners the county will have, signed by not less than two
11 hundred registered voters of the county voting at the last general
12 election, on the county board. The petition or petitions shall be
13 signed by registered voters equal in number to five percent of the
14 voters registered in the county at the preceding statewide general
15 election.

16 (2) When the petition or petitions are filed in the
17 office of the county clerk or election commissioner not less than
18 seventy days before the date of any general election, the county
19 clerk or election commissioner shall cause the question to be
20 submitted to the voters of the county at such election and give
21 notice thereof in the general notice of such election. The forms
22 of ballots shall be respectively: For three commissioners and For
23 five commissioners; and the same shall be printed upon the regular
24 ballots cast for officers voted for at such election and shall be
25 counted and canvassed in the same manner.

26 (3) If a majority of votes cast at the election favor
27 the proposition For five commissioners, thereafter the county shall

1 have five commissioners, and if a majority of the ballots cast
2 at the election favor the proposition For three commissioners,
3 thereafter the county shall have three commissioners.

4 Sec. 3. Section 23-151, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 23-151 (1) Each county under commissioner organization
7 having not more than three hundred thousand inhabitants shall be
8 divided into (a) three districts numbered respectively, one, two,
9 and three, ~~or into~~ (b) five districts as provided for in sections
10 23-148 and 23-149 numbered respectively, one, two, three, four, and
11 five, or (c) seven districts as provided for in sections 23-292
12 to 23-299 numbered respectively, one, two, three, four, five, six,
13 and seven. Beginning October 1, 1991, each county having more than
14 three hundred thousand inhabitants shall be divided into seven
15 districts numbered respectively, one, two, three, four, five, six,
16 and seven.

17 (2) Such districts shall consist of two or more voting
18 precincts comprising compact and contiguous territory and embracing
19 a substantially equal division of the population of the county.
20 District boundary lines shall not be subject to alteration more
21 than once every ten years.

22 (3) (a) In counties having more than three hundred
23 thousand inhabitants, the establishment of district boundary lines
24 pursuant to subsection (1) of this section shall be completed
25 not later than October 1, 1991, or within one year after the
26 county attains a population of more than three hundred thousand
27 inhabitants, whichever occurs later. Beginning in 2001 and every

1 ten years thereafter, the district boundary lines of any county
2 having more than three hundred thousand inhabitants shall be
3 redrawn, if necessary to maintain substantially equal district
4 populations, by the date specified in section 32-553.

5 (b) The establishment of district boundary lines and any
6 alteration thereof under this subsection shall be done by the
7 county board. If the county board fails to do so by the applicable
8 deadline, district boundaries shall be drawn by the election
9 commissioner within six months after the deadline established for
10 the drawing or redrawing of district boundaries by the county
11 board. If the election commissioner fails to meet such deadline,
12 the remedies established in subsection (3) of section 32-555 shall
13 apply.

14 (4) The district boundary lines shall not be changed at
15 any session of the county board unless all of the commissioners are
16 present at such session.

17 (5) Commissioners shall be elected as provided in section
18 32-528. Elections shall be conducted as provided in the Election
19 Act.

20 Sec. 4. Section 23-202, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 23-202 ~~The county commissioners on petition of two~~
23 ~~hundred and fifty or more legal voters of the county, shall~~
24 ~~cause to be submitted to the voters of the county~~ (1) In counties
25 not under township organization, a registered voter may file
26 a petition or petitions for the submission of the question of
27 township organization. The petition or petitions shall be signed

1 by registered voters equal in number to five percent of the
2 voters registered in the county at the preceding statewide general
3 election.

4 (2) When the petition or petitions are filed in the
5 office of the county clerk or election commissioner, the question
6 shall be submitted to the registered voters at the next general
7 election held not less than seventy days after the filing of the
8 petitions. The questions on the ballot shall be respectively: ~~7~~
9 by ballot, ~~7~~ to be written or printed, ~~7~~ or partly written or partly
10 printed thereon For township organization, or Against township
11 organization.

12 (3) Elections shall be conducted as provided in the
13 Election Act. ~~7~~ the votes to be counted, canvassed, and returned in
14 like manner as votes for county officers.

15 Sec. 5. Section 23-292, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 23-292 Any county which may have adopted or that may
18 hereafter adopt has township organization shall discontinue the
19 same whenever the majority of the electors of said registered
20 voters of the county voting on the question of such discontinuance
21 shall so decide in the manner ~~herein~~ provided in sections 23-293 to
22 23-295.

23 Sec. 6. Section 23-293, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 23-293 ~~Whenever~~ (1) In counties under township
26 organization, a registered voter may file a petition or petitions
27 for a submission of the question of the discontinuance of township

1 organization to the registered voters of the county. The petition
2 or petitions shall be signed by registered voters equal in
3 number to five percent of the voters registered in the county at
4 the preceding statewide general election. When the petition or
5 petitions are filed in the office of the county clerk or election
6 commissioner, the question shall be submitted to the registered
7 voters at the next general election held not less than seventy days
8 after the filing of the petitions.

9 (2) In counties under township organization, if ~~7~~ signed
10 by a number of electors not less than ten percent of those voting
11 at the last general election~~7~~ or a resolution supported by a
12 majority of the county board is filed in the office of the county
13 clerk or election commissioner for submission of the question of
14 discontinuance of township organization to the registered voters
15 of the county, the question shall be submitted to the registered
16 voters at the next general election held not less than seventy
17 days after the filing of the resolution. ~~not less than seventy~~
18 days before the date of any general election~~7~~, the county clerk or
19 election commissioner shall cause such question to be submitted to
20 the voters of the county at such election and give notice of the
21 submission of the question in the general election notices of such
22 election.

23 (3) A petition or county board resolution for
24 discontinuance of township organization shall specify whether the
25 county board of commissioners to be formed pursuant to section
26 23-151 will have five or seven members and that reorganization
27 as a county board of commissioners will be effective at the

1 expiration of the supervisors' terms of office in January of the
2 third calendar year following the election to discontinue township
3 organization.

4 Sec. 7. Section 23-294, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 23-294 The forms of ballots shall be respectively, For
7 continuance of township organization, and Against continuance
8 of township organization, and the same shall be written or
9 printed upon the regular ballot cast for officers voted for
10 at such election, and shall be counted and canvassed in the
11 same manner.(1) If the petition or county board resolution to
12 discontinue township organization specifies a five-member county
13 board of commissioners pursuant to section 23-293, the questions
14 on the ballot shall be respectively: For continuance of township
15 organization; or For discontinuance of township organization and
16 creation of a five-member county board of commissioners effective
17 at the expiration of the supervisors' terms of office in January of
18 the third calendar year following this election.

19 (2) If the petition or county board resolution to
20 discontinue township organization specifies a seven-member county
21 board of commissioners pursuant to section 23-293, the questions
22 on the ballot shall be respectively: For continuance of township
23 organization; or For discontinuance of township organization and
24 creation of a seven-member county board of commissioners effective
25 at the expiration of the supervisors' terms of office in January of
26 the third calendar year following this election.

27 (3) Elections shall be conducted regarding discontinuance

1 of township organization as provided in the Election Act.

2 Sec. 8. Section 23-295, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 23-295 If it shall appear from the returns of said
5 election that a majority of the votes cast on the question
6 are against the continuance of township organization, then such
7 organization shall cease to exist as soon as a board of county
8 commissioners are appointed and qualified, as hereinafter provided.
9 effective at the expiration of the supervisors' terms of office in
10 January of the third calendar year following such election.

11 Sec. 9. Section 23-296, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 23-296 When township organization shall cease ceases in
14 any county, as provided by sections 23-292 to 23-295, the office
15 of county commissioner which became vacant by reason of its
16 adoption is hereby restored, and such county is hereby divided into
17 commissioner districts, with the same boundaries and comprising the
18 same territory as such districts had when township organization was
19 adopted; PROVIDED, when such a county votes to have the same number
20 of commissioners as there were supervisors in the county, then the
21 commissioner districts shall be the same districts as the former
22 supervisor districts unless changed at a later date as provided
23 by section 23-149. a commissioner system shall be established. The
24 county board of commissioners shall have five or seven members as
25 specified in the petition or county board resolution pursuant to
26 section 23-293.

27 Sec. 10. Section 23-297, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 23-297 On the first Saturday after the first Tuesday
3 of January following the election at which township organization
4 shall be voted to be discontinued, the county commissioners of
5 such county, for the purpose of temporary organization, shall be
6 appointed by the county clerk, treasurer, and county attorney of
7 such county, unless the counties vote to retain the same persons as
8 the former supervisors, in which event, the commissioner districts
9 shall be the same districts as the former supervisor districts
10 unless changed at a later date as provided by section 23-149.
11 Their successors shall be elected at the next general election in
12 the manner provided by law for the first election of a board of
13 commissioners in any county.

14 (1) If the voters vote for creation of a seven-member
15 county board of commissioners, the commissioner districts shall
16 be the same districts as the former supervisor districts unless
17 changed at a later date as provided by section 23-149 and the
18 supervisors whose terms have not expired on the effective date of
19 the reorganization prescribed in section 23-293 shall continue in
20 office as commissioners for the remainder of their unexpired terms.

21 (2) (a) If the voters vote for creation of a five-member
22 county board of commissioners, the county clerk, county treasurer,
23 and county attorney shall meet on the first Saturday after the
24 first Tuesday of January following such election and redistrict the
25 county into five commissioner districts with substantially equal
26 population. Such redistricting shall be completed within thirty
27 days after such initial meeting and shall specify where necessary

1 the newly established districts which the members will serve for
2 the balance of the unexpired terms as designated in subdivision (b)
3 of this subsection. The newly established districts will not be
4 effective until the effective date of the reorganization prescribed
5 in section 23-293 except for purposes of being nominated and
6 elected for office from such districts.

7 (b) (i) If three members of the county board of
8 supervisors were elected for four-year terms at the election to
9 create a five-member county board of commissioners, each such
10 supervisor shall serve two of such years as a supervisor and two
11 of such years as a commissioner representing the newly established
12 districts as designated under subdivision (a) of this subsection
13 and two commissioners shall be elected for four-year terms from the
14 newly established districts at the next general election.

15 (ii) If four members of the county board of supervisors
16 were elected for four-year terms at the election to create a
17 five-member county board of commissioners, the three of such
18 supervisors receiving the most votes at such election shall serve
19 two of such years as a supervisor and two of such years as
20 a commissioner representing the newly established districts as
21 designated under subdivision (a) of this subsection, the fourth of
22 such supervisors shall serve a term of two years as a supervisor,
23 and two commissioners shall be elected for four-year terms from the
24 newly established districts at the next general election.

25 Sec. 11. Section 23-299, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 23-299 When township organization shall be is

1 discontinued in any county, ~~it shall be the duty of~~ the town clerk
2 in each town in ~~said~~ such county, as soon as the county board
3 of ~~county~~ commissioners are ~~appointed and~~ is qualified pursuant
4 to section 23-297, ~~to~~ shall deposit with the county clerk of the
5 county all town records, papers, and documents pertaining to the
6 affairs of such town~~7~~, and ~~to~~ certify to ~~him~~ the county clerk the
7 amount of indebtedness of such town outstanding at the time of
8 such discontinuance. The county board shall have full and complete
9 power to settle all the unfinished business of the town as fully
10 as might have been done by the town itself~~7~~, and to dispose of any
11 and all property belonging to such town, the proceeds of which,
12 after paying all indebtedness, shall be disposed of by the county
13 board for the benefit of the taxable inhabitants thereof by such
14 board crediting all unexpended balances of ~~said~~ the town to the
15 district road fund~~7~~, and in no other manner. ~~It shall be the duty of~~
16 ~~such~~ The county board, at such time as ~~shall~~ be provided by law, ~~to~~
17 shall levy a tax upon the taxable property of such town to pay any
18 unliquidated indebtedness it may have outstanding.

19 Sec. 12. Section 51-201.03, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 51-201.03 (1) The registered voters of the incorporated
22 and unincorporated areas of a county which do not have a public
23 library may file an initiative petition with the county board
24 requesting the establishment of a county library. The petition
25 shall be filed by July 31 prior to a statewide general election.
26 Signatures gathered before the last statewide general election
27 shall not be counted. An initiative petition shall conform to

1 the requirements of section 32-628. Petition signers and petition
2 circulators shall conform to the requirements of sections 32-629
3 and 32-630. The county board shall submit the petitions to the
4 election commissioner or county clerk for signature verification
5 pursuant to section 32-631. The required number of signatures shall
6 be ~~ten~~ five percent of the voters registered at the last statewide
7 general election in the incorporated and unincorporated areas of
8 the county which do not have a public library. The election
9 commissioner or county clerk shall notify the county board within
10 thirty days after receiving the petitions from the county board
11 whether the required number of signatures has been gathered.

12 (2) If the county board determines that the petitions are
13 in proper form and signed by the necessary number of registered
14 voters, the county board shall notify the governing body and
15 library board of each incorporated area within the county within
16 ten days after such determination and shall publish in a newspaper
17 of general circulation in the county that the registered voters of
18 the unincorporated area of the county and of the incorporated areas
19 which do not have a public library will be asked to vote on the
20 issue at the next statewide general election and shall submit the
21 question of whether to establish a county library to the voters as
22 required in section 51-201.

23 Sec. 13. Original sections 23-148, 23-149, 23-151,
24 23-202, 23-292, 23-293, 23-294, 23-295, 23-296, 23-297, 23-299, and
25 51-201.03, Reissue Revised Statutes of Nebraska, are repealed.

26 Sec. 14. The following sections are outright repealed:
27 Sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised

AM682
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MMM-03/12/2007

1 Statutes of Nebraska.